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Lakshmi Arunachalam

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EXAMINER

PHILLIPS, HASSAN A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/863,704	Applicant(s) ARUNACHALAM, LAKSHMI	
	Examiner HASSAN PHILLIPS	Art Unit 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-37 and 78-129 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 78-117 is/are allowed.
- 6) ☒ Claim(s) 28-37 and 118-129 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/5/09; 3/12/09; 6/29/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to communications filed June 30, 2009.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 30, 2009 has been entered.

Information Disclosure Statement

3. The information disclosure statements filed March 5, 2009, and March 12, 2009, have been received and considered by the examiner.
4. The information disclosure statement filed June 29, 2009, has been received, and has NOT been considered by the examiner.
5. Applicant and the assignee of this application are required under 37 CFR § 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

An information disclosure statement to replace the information disclosure statement filed June 29, 2009, eliminating clearly irrelevant and marginally pertinent cumulative information. If a long list of references remains and is submitted, it is requested those documents which have been specifically brought to applicant's attention and/or are known to be of most significance are highlighted. See *Penn Yan Boats, Inc. v. Sea Lark Boats, Inc.*, 359 F. Supp. 948, 175 USPQ 260 (S.D. Fla. 1972), *aff'd*, 479 F.2d 1338, 178 USPQ 577 (5th Cir. 1973), *cert. denied*, 414 U.S. 874 (1974). But cf. *Molins PLC v. Textron Inc.*, 48 F.3d 1172, 33 USPQ2d 1823 (Fed. Cir. 1995).

The Examiner is authorized to require the submission of this information since the Examiner has determined that such information is relevant to the patentability of the claimed invention. See *Star Fruits S.N.C. v. United States* (Fed. Cir. 2005) ("*So long as there is some legitimate reason for seeking the information under section 1.105, the applicant has a duty to respond...The Office is authorized under section 1.105 to require any information that is either relevant to patentability under any nonfrivolous legal theory, or is reasonably calculated to lead to such relevant information*").

The fee and certification requirements of 37 C.F.R. § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement

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under 37 C.F.R. § 1.105 are subject to the fee and certification requirements of 37 C.F.R. § 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item. It is also noted that the requirement for information extends from individuals identified under 37 CFR 1.56(c) or any assignee to the instant application. See 37 CFR 1.105(a) and 37 CFR 1.56(c) ("Individuals associated with the filing or prosecution of a patent application within the meaning of this section are: (1) Each inventor named in the application; (2) Each attorney or agent who prepares or prosecutes the application; and (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.")

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 118, 120-122, 124-129, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

8. In considering claim 118, although the claim recites an "apparatus", the claimed apparatus merely comprises "an application", "an instantiated data structure", "a networked object", "a program", "an object router", and "an exchange", all of which suggest the claimed apparatus is comprised of "software" *per se*. Software fails to fall within one of the four statutory categories of patent eligible subject matter recited in 35 U.S.C. 101, (i.e. process, machine, manufacture, or composition of matter). Appropriate correction is required.

9. In considering claim 120, applicant's specification has defined a "medium" to include signals, (see pg. 73, par. 00193). As such, the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefore this claim is not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefor not a composition of matter. Appropriate correction is required.

10. In considering claim 121, although the claim recites a "system", the claimed system merely comprises "a Web application", "an instantiated data structure", "a networked object", "a program", "an object router", and "an exchange", all of which

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suggest the claimed system is comprised of "software" *per se*. Software fails to fall within one of the four statutory categories of patent eligible subject matter recited in 35 U.S.C. 101, (i.e. process, machine, manufacture, or composition of matter). Appropriate correction is required.

11. In considering claim 122, although the claim recites an "apparatus", the claimed apparatus merely comprises "a Web application", "an instantiated data structure", "a connection", "an open channel", "an object router", and "an exchange", all of which suggest the claimed apparatus is comprised of "software" *per se*. Software fails to fall within one of the four statutory categories of patent eligible subject matter recited in 35 U.S.C. 101, (i.e. process, machine, manufacture, or composition of matter). Appropriate correction is required.

Claims 124-129 depend from claim 122 and fail to remedy the deficiencies indicated above. Therefore, the claims are also rejected based on their dependency.

Response to Arguments

12. Applicant's arguments filed June 30, 2009 have been fully considered but they are not persuasive. Applicant argued: The amended claims overcome the previous rejections since Lawlor does not teach or suggest Web media content service selected from a plurality of online Web media content services managed by at least one Web merchant, content provider or context provider on the World Wide Web, with a plurality of services including one or more data structures specific to a Web application on a

Web page; instantiating said data structure with user input; initiating at least one transactional application corresponding to the web media content service; or routing the data structure from a Web page across an open channel over a service network atop the Web to said transactional application.

13. In response to applicant's arguments, the examiner submits the amendments made to applicant's claims merely further define the previously claimed "transaction request for service" as a "Web transaction for online Web media content", and fail to recite subject matter that distinguishes from the teachings of the cited art as recited in allowed claims 78-117. As suggested in the previous action, Web transactions for online Web media content were well known in the art at the time of the present invention. This is evidenced in AAPA, (see applicant's disclosure, pg. 3, par. 0004, and pg. 4, par. 0008). Thus, the examiner submits the combined teachings of Lawlor and AAPA teach and suggest applicant's claimed Web media content service selected from a plurality of online Web media content services managed by at least one Web merchant, content provider or context provider on the World Wide Web, with a plurality of services including one or more data structures specific to a Web application on a Web page; instantiating said data structure with user input; initiating at least one transactional application corresponding to the web media content service; or routing the data structure from a Web page across an open channel over a service network atop the Web to said transactional application.

14. Accordingly the references supplied by the examiner in the previous office action covers the claimed limitations recited in claims 28-37, and new claims 118-129. The rejections are thus sustained. Applicant is requested to review the prior art of record for further consideration.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 28-37, 118-126, 128, 129, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor et al. (hereinafter Lawlor), U.S. Patent 5,870,724 in view of Applicant's Admitted Prior Art (AAPA), (see applicant's disclosure pg.'s 3-5).

17. In considering claim 28, Lawlor discloses a method for performing a real-time transaction across the Internet comprising: receiving a transaction request from an end user (i.e. 54) for a transactional service selected from a plurality of transactional services managed by at least one web merchant, content provider or context provider (i.e. service provider 52) on the Internet, (col. 6, line 62-col. 7, line 13, col. 22, lines 34-36, also see col. 20, lines 45-55, and Fig. 1); said plurality of transactional services including one or more data structures (i.e. account information) specific to a transaction

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application on a main menu, (col. 31, lines 60-63, also see Fig. 1); instantiating said data structure with user input, (col. 31, lines 60-63); initiating at least one transactional application (i.e. "obtain account balance", "apply for loans", "order new checks" etc.) corresponding to the transactional service, (col. 34, lines 14-27, col. 50, line 40-col. 51, line 9, also see col. 31, lines 11-23); routing said data structure across an open channel over a service network atop the Internet to said transactional application, (col. 31, line 64-col. 32, line 15, col. 34, lines 14-27;, also see col. 50, line 40-col. 51, line 9); and executing said transactional application, including utilizing said routed data structure to complete a real-time transaction between said end user and said web merchant or content provider, (col. 50, line 40-col. 51, line 9, col. 34, lines 14-27, also see col. 31, lines 11-23).

Although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: the transactional service comprising an online Web media content service, the Internet comprising the World Wide Web and the data structures being specific to a Web application on a Web page.

Nevertheless, a transactional service comprising an online Web media content service, the Internet comprising the World Wide Web, and a data structure being specific to a Web application on a Web page, was well known in the art at the time of the present invention. This is exemplified in AAPA, where the AAPA discloses a transactional service comprising an online Web media content service (pg. 3, par. 0004), the Internet comprising the World Wide Web (pg. 3, par. 0004), and a data

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structure (i.e. an HTML form) being specific to a Web application on a Web page, (pg. 3, par. 0004, pg. 4, par. 0008).

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Lawlor with AAPA to disclose the transactional service comprising an online Web media content service, the Internet comprising the World Wide Web and the data structures being specific to a Web application on a Web page. As was known in the art, this would have advantageously allowed for the end user to easily browse the transactional services provided in the virtual information store, (AAPA, pg. 3, par. 0004, pg. 4, par.'s 0007, 0008).

18. In considering claim 29, Lawlor discloses executing the transaction request interactively, (col. 7, line 60-col. 8, line 5).

19. In considering claim 30, Lawlor discloses said web merchant or content provider or context provider services selected from a group consisting of: multi-media messaging, archival management, retrieval management, directory services, data staging, conferencing, financial services, on-line lending, home banking, risk management, payroll services, human resources services and online purchasing, (col. 1, lines 13-22).

20. In considering claim 31, Lawlor discloses the transaction request is at least one of a group consisting of: a deposit into a bank account, a request for a loan from a

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bank or other service provider, a purchase of a car from a car dealership, a purchase of a car with financing from a bank or other service provider, an online purchase, (col. 18, lines 59-63, col. 31, lines 60-63, col. 34, lines 14-37, col. 39, lines 28-44).

21. In considering claim 32, the combined teachings of Lawlor and AAPA suggest the transactional service is provided using a service network over an IP-based network atop the Web, (Lawlor, col. 12, lines 9, 10, and col. 13, lines 42-45, col. 20, lines 45-55, AAPA pg. 3, par. 0004). One of ordinary skill in the art would modify the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 28.

22. In considering claim 33, it is inherent in the teachings of Lawlor that the transactional service is implemented to function as a routing switch within an application layer of an OSI model, (col. 12, lines 9, 10, col. 13, lines 42-45, and col. 31, line 60-col. 32, line 15, col. 33, lines 36-58, col. 34, lines 4-13).

23. In considering claim 34, the modified teachings of Lawlor suggest the transactional request is processed by more than one web merchant, (col. 6, line 62-col. 7, line 13). One of ordinary skill in the art would modify the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 28.

24. In considering claim 35, Lawlor discloses receiving non-end user input to select the transaction request, (col. 6, line 62-col. 7, line 13).

25. In considering claim 36, it is inherent in the teachings of Lawlor that a plurality of additional transaction requests while processing the transaction request are prioritized, (col. 6, line 62-col. 7, line 13).

26. In considering claim 37, Lawlor discloses performing at least one service selected from a group consisting of: applying security management to a managed connection, applying fault management to a managed connection, applying configuration management to a managed connection, applying performance management to a managed connection, and applying billing management to a managed connection, (col. 18, line 59-col. 19, line 22).

27. In considering claim 118, the claim recites an apparatus for performing a method substantially similar to the method recited in claim 28. Claim 118 is therefore rejected under the same rationale used to reject claim 28.

28. In considering claim 119, the claim recites a method substantially similar to the method recited in claim 28. Claim 119 is therefore rejected under the same rationale used to reject claim 28.

29. In considering claim 120, the claim recites a computer program product including a computer readable medium having computer usable program code

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executable to perform operations substantially similar to the method recited in claim 28.

Claim 120 is therefore rejected under the same rationale used to reject claim 28.

30. In considering claim 121, the claim recites a system for performing a method substantially similar to the method recited in claim 28. Claim 121 is therefore rejected under the same rationale used to reject claim 28.

31. In considering claim 122, the claim recites an apparatus for performing a method substantially similar to the method recited in claim 28. Claim 122 is therefore rejected under the same rationale used to reject claim 28.

32. In considering claim 123, the combined teachings of Lawlor and AAPA suggest wherein one or more operations may be performed atop the Web on the one or more data structures specific to a Web merchant's online service, (Lawlor, col. 12, lines 9, 10, and col. 13, lines 42-45, col. 20, lines 45-55, AAPA pg. 3, par. 0004). One of ordinary skill in the art would modify the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 119.

33. In considering claim 124, the combined teachings of Lawlor and AAPA suggest at least one of a group consisting of one or more: application interfaces, service interfaces, network interfaces, value-chain interfaces, user interfaces, and interfaces to a service network atop the Web, (Lawlor, col. 31, lines 60-63, AAPA pg. 3, par. 0004).

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One of ordinary skill in the art would modify the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 122.

34. In considering claim 125, Lawlor discloses at least one of a group consisting of one or more: user networks, social networks atop an IP-based facilities network and email-networks atop an IP-based facilities network, (abstract).

35. In considering claim 126, the combined teachings of Lawlor and AAPA suggest a group consisting of at least one or more: Web applications atop email-networks atop the Web, point-of-service applications as online services on a Web page on media devices in a value-added service network atop the Web, point-of-service applications that include media content, intra-merchant point-of-service applications on the Web, inter-merchant point-of-service applications on the Web, employee payroll applications on the Web, human resources applications on a service network atop the Web, intra-Bank services on a service network atop the Web and application programs that deliver customer services on a service network atop the Web, (Lawlor, abstract, AAPA pg. 3, par. 0004). One of ordinary skill in the art would modify the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 122.

36. In considering claim 128, Lawlor suggests any-to-any communication delivered by at least one service provider, (col. 6, line 62-col. 7, line 13, col. 22, lines 34-36, also see col. 20, lines 45-55, and Fig. 1).

37. In considering claim 129, the combined teachings of Lawlor and AAPA suggest a group consisting of at least one of: exchange of data structures on a service network atop the Web, exchange between users on a service network atop the Web, exchange between applications on a service network atop the Web and exchange between devices on a service network atop the Web, (Lawlor, abstract, AAPA pg. 3, par. 0004). One of ordinary skill in the art would modify the teachings of Lawlor with AAPA for reasons previously indicated in considering claim 122.

38. Claim 127, is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawlor in view of AAPA, and further in view of Chelliah et al. (hereinafter Chelliah), U.S. Patent 5,710,887.

39. In considering claim 127, although the teachings of Lawlor disclose substantial features of the claimed invention, they fail to expressly disclose: on a service network atop the Web at least one of a group consisting of: televisions and cellular devices.

Nevertheless, a group consisting of at least one of televisions and cellular devices on a service network atop the Web was well known in the art at the time of the present invention. This is exemplified in Chelliah, where in the background of the invention Chelliah discloses a group consisting of at least one of televisions and cellular devices on a service network atop the Web, (col. 1, lines 15-47).

Thus, it would have been obvious to one of ordinary skill in the art to further modify the teachings of Lawlor to disclose on a service network atop the Web at least one of a group consisting of: televisions and cellular devices. As was known in the art, this would have advantageously allowed for conducting commerce via a variety of networks, thus supporting a wide range of providers of goods and services, (Chelliah, col. 1, lines 15-22, also see Lawlor, col. 2, lines 3-7)).

Allowable Subject Matter

40. Claims 78-117 are allowed.

41. The following is a statement of reasons for the indication of allowable subject matter: Applicant's claims "as a whole" have been amended to distinguish from the teachings of the cited art. More specifically, the art cited by the examiner fails to expressly disclose a handoff from one server to a second server where the user is placed into communication directly with the second server to allow settling of an account, as similarly recited in independent claims 78, 87, 93, 99, and 108.

Conclusion

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HASSAN PHILLIPS whose telephone number is (571)272-3940. The examiner can normally be reached on Mon-Fri (9am-6pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hassan Phillips/
Primary Examiner, Art Unit 2451

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2451